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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,477	12/10/2003	Shoji Yamada	P24167	5420
7055 7590 04/25/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER NGUYEN, KIMNHUNG T	
			ART UNIT	PAPER NUMBER
			2629	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/25/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/731,477

Applicant(s)

YAMADA, SHOJI

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. The claims 6-13 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 8, 11 rejected under 35 U.S.C. 102(e) as being anticipated by Mart (US 6,794,609).

As to claim 6, Mart discloses in fig. 1, an input element (prosthetic 100), used for a touch-pad (touch screen display 100) disposed to an information processing apparatus, said touch-pad being responsible to changes of a static capacitance (see col. 1, lines 30-31), said input element (100) comprising: an electrically-conductive generally planar pad contact face (electrically conductive touchpad 108, has a planar shaped) configured to contact the touch-pad (20, see col. 3, lines 37-48, col. 4, lines 66-67 and col. 5, lines 1-2).

As to claim 8, Mart discloses further, the input element having a pencil-shape body (see col. 1, lines 25-28); and the input element is configured to input data to the information processing apparatus via the changes of static capacitance.

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As to claim 11 is rejected the same as reasons of the claim 6.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9, 10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mart (US 6,794,609) in view of Toyoda et al. (US 5,210,405).

As to claims 7, 12, Mart discloses further in fig. 1, the input element (100), the input element further comprising an electrically-conductive grip (see fig. 1), the grip and pad contact pad contact face (108) is being connected.

Mart does not disclose the grip and contact part is being connected via a pivot connection therebetween; however, Toyoda et al. discloses in fig. 1, a pen-type input device comprising a ball rotatable (6, ball should have a pivot) supported by an end of a pen-like elongate handle (2) and rotatable in response to the movement of the pen-type input device (see abstract, see col. 4, lines 21-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen-type input device comprising a ball rotatable supported by an end of a pen-like elongate handle as taught by Toyoda et al. into the system of Mart for producing the claimed invention because this would provide the direction of rotation and the amount of movement of each respective rotating member is detected by the detecting circuit and

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detected data are sent to a computer whereby a curve corresponding to the movement of the ball is creased on a display surface of the computer (see abstract).

As to claim 9 is rejected the same reasons as claim 8.

As to claims 10 and 13, Mart does not disclose the contact face is generally circular; however, Toyoda discloses the pen-type input device includes a ball rotatably supported by an end of a pen-like elongate handle that is a contact face in circular (see abstract, see col. 4, lines 21-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen-type input device comprising a ball rotatable supported by an end of a pen-like elongate handle as taught by Toyoda et al. into the system of Mart for producing the claimed invention because this would provide the direction of rotation and the amount of movement of each respective rotating member is detected by the detecting circuit and detected data are sent to a computer whereby a curve corresponding to the movement of the ball is creased on a display surface of the computer (see abstract).

Response To Arguments

6. Applicant's arguments with respect to claims 6-13 filed on 4/9/07 have been considered but are moot in view of the new ground(s) of rejection.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698.

The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kimnhung Nguyen
Patent Examiner
April 19, 2007